

S.B. CIVIL WRIT PETITION NO.2131/2005
Ram Narayan Vs. Municipal Council & ors.

Date : 25.4.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Vineet Kothari) for the petitioner.
Mr. Anil Upadhyay)

Mr. Bheem Arora, for the respondents.

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Heard learned counsel for the parties.

Though initially the petitioner challenged the resolution constituting the Committees itself but after the reply and now today, the petitioner submits that the petitioner's resolution for convening meeting as requisitioned by their requisition Annex.6 dated 15.1.2005 may be directed to comply with as it is permissible under the law.

Learned counsel Mr. Bheem Arora appearing on behalf of Municipal Council pointed out that as per Rule 13 of the Rajasthan Municipalities (Conduct of Business) Rules, 1974 (for short 'the Rules of 1974'), no decision of the Council can be modified or cancelled within three months. However, it is also pointed out that there is an exception to it and the meeting can be convened for modification and cancellation of a decision of the Council but it is required to be carried by the support of 2/3rd of the whole

number of members of the Council.

I have considered the submissions of learned counsel for parties. So far as convening of the meeting is concerned, it is not prohibited by law and since there is a requisition containing the signatures of sufficient number of members for convening the meeting, the respondent cannot deny the convening of the meeting on the requisition of the members of the Council who submitted their requisition Annex.6.

Whether the decision taken by the Council is liable to be modified or cancelled etc. depends upon the outcome of the meeting and voting in the meeting.

In view of the above discussion, for the purpose of limited relief of directing the respondents to convene the meeting in pursuance of Annex.6, this writ petition deserves to be allowed, hence allowed. The respondent Municipal Council, Sujangarh is directed to convene the meeting within a reasonable period of one month.

(PRAKASH TATIA), J.

S.Phophaliya